

## REMARKS

In the Office Action mailed February 7, 2007, the Examiner noted that claims 1-8 were pending, and rejected claims 1-8. Claims 1, 4, and 5 have been amended, claims 2-3 have been canceled, new claim 9 has been added, and, thus, in view of the forgoing claims 1 and 4-9 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

### REJECTIONS under 35 U.S.C. § 103

Claims 1-3 and 8 stand rejected under 35 U.S.C. § 103(a) as obvious over Geerlings, U.S. Patent No. 6,073,112. Geerlings discusses a marketing system that segments groups of consumers in order to market to those groups. In contrast, the subject matter herein is a method of marketing directly to a consumer a set of hairstyles that are compatible with personal attributes of a consumer.

In particular claim 1 recites "producing direct mail containing **suggestions of the retrieved hairstyles that can be applied to the customer** based on the extracted customer information when said expected date of visit of the customer is a predetermined period ahead." (Emphasis added) Nothing cited as to amended claim 1 and dependent claim 8 teach or suggest the feature highlighted above. Further the Examiner admits as much in his rejection below of claims 4-7 where at page 5 the Examiner states "Geerlings fails to show that the databases contain information of hairstyles that an individual would like." It is brought to the Examiner's attention that amended claims 1 and 4 are similar in scope except amended claim 1 is to a process and amended claim 4 is to an article of manufacture. Further, the combination with Blancato does not teach or suggest the elements of claims 1 and 8.

Further, claim 1 has been amended to store the customer information and to correlate the customer information with a database of hairstyles including a customer preference. The prior art failing to teach the correlation between the database of hairstyles and a customer preference.

For the reasons stated above, Geerlings, even when combined with Blancato fails to teach or suggest the elements of claims 1 and 8.

Claims 4-7 stand rejected under 35 U.S.C. § 103(a) as obvious over Geerlings in view of Blancato, U.S. Patent No. 4,823,285.

Geerlings at column 5 lines 13-18 states:

Other fields of the record include (a) **contact data** (address, phone/fax numbers, E-mail address, etc.), (b) **demographic data** (e.g., age, gender, marital status, etc.), and (c) **general shopping activity**, (e.g., "last purchase date" and "purchase frequency") among others depending on the type of business of the merchant. [Emphasis added]

Thus, what is discussed regarding information stored in the database of Geerlings is demographic or contact information. Geerlings does not teach or suggest anything as to a personal nature such as previous length of hair (front, back, outer and inner), growth rate, type, diameter image of the face and an image of the total body or any other type of personal information that allows a "suggestion of hairstyles that can be applied to the customer," as in claim 4. As Geerlings is to a general marketing system that allows a merchant to segment a customer base, personal information such as type of hair, is antithetical to storage in the system of Geerlings. Geerlings, therefore, teaches away from combination with a system such as Blancato which discusses a system for viewing a new hairstyle at the hairstylist's shop by replacing a digital picture of an individual's current hairstyle with a proposed hairstyle.

Further, claim 4 has been amended to store the customer information. Claims 4 and 5 have been amended to correlate the customer information with a database of hairstyles including a customer preference. The prior art failing to teach the correlation between the database of hairstyles and a customer preference.

As discussed in Blancato, the user is required to sit for a photograph (column 2 lines 64-66). Hairstyles which a user chooses from a catalog are then retrieved from a data diskette of an external drive and applied to a models picture as discussed in Blancato (column 4 lines 57-67). Further, Blancato does not teach or suggest information such as hair type, length, etc... as the customer and hairstylist are present when the decision as to hairstyle is made. Information such as hair length, type, need not be stored.

Thus, there is no motivation to combine the references beyond the Examiner's assertion it would have been obvious to one skilled in the art to combine Blancato's in shop system of previewing hairstyles with the marking system of Geerlings. Geerlings does not store the type of information required to make a suggestion as to a hairstyle. Nor is there motivation within Geerlings or Blancato to store such information. It is clear that the Examiner is using impermissible hindsight in combining Geerlings and Blancato.

Therefore, the combination of Geerlings and Blancato, taken separately or in combination, fail to teach or suggest the elements of claims 4-7.

Withdrawal of the rejections is respectfully requested.

#### **NEW CLAIM**

Claim 9 is new. Support for claim 9 found in Fig. 11 and page 15 lines 26 through page 17 line 20 of the Application. The prior art failing to teach a method of correlating the hair length, the hair type, the hair growth rate and the date of hair cut with a hair length and a hair type of a plurality of stored possible hair styles.

#### **SUMMARY**

It is submitted that the claims satisfy the requirements of 35 U.S.C. §102. It is also submitted that claims 1 and 4-9 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,  
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